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Equitrade International, Inc Order Granting Motion to Compel

John J. Goger

Fulton County Superior Court

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**IN THE SUPERIOR COURT OF FULTON COUNTY
BUSINESS CASE DIVISION
STATE OF GEORGIA**

EQUITRADE INTERNATIONAL, INC.)	
and JAMES ALAN WEST,)	
)	
Plaintiffs,)	Civil Action File No.
)	2017CV286507
v.)	
)	
LEE ANNE BUSMAN,)	Bus. Case Div. 4
)	
Defendant.)	
)	
)	

ORDER GRANTING MOTION TO COMPEL

The above styled matter is before this Court on Equitrade International, Inc.'s ("Equitrade") Motion to Compel wherein Equitrade asks the Court to compel non-party Stephen K. Jones, CPA, LLC to respond to a Subpoena for Production of Documents ("Subpoena") dated Jul. 2, 2018.

With respect to the general scope of discovery, O.C.G.A. §9-11-26(b)(1) provides:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence...

The powers of the trial court to control the time, place, scope and financing of discovery are construed broadly for the protection of the parties and others from whom discovery is sought.

See Orkin Exterminating Co. v. McIntosh, 215 Ga. App. 587, 589, 452 S.E.2d 159, 162 (1994); Bicknell v. CBT Factors Corp., 171 Ga. App. 897, 899, 321 S.E.2d 383, 385 (1984).

Here, the Subpoena seeks certain tax documents and ancillary documentation of Defendant Lee Anne Busman related to tax liabilities relevant to this action. Equitrade asserts that it has on two separate occasions served the Subpoena via Federal Express but non-party Stephen K Jones, CPA, LLC failed to respond. Equitrade further asserts that Defendant Busman expressly consented to the Subpoena in a deposition.

Insofar as neither Defendant Busman nor non-party Stephen K. Jones, CPA, LLC has filed any objection or response to the instant motion and whereas it appears the Subpoena is reasonably calculated to lead to the discovery of admissible evidence relevant to this action, the Motion to Compel is hereby GRANTED. Accordingly, Stephen K. Jones, CPA, LLC is hereby ordered to produce the information and documentation set forth in the Subpoena to Plaintiffs within thirty (30) days of the date of this order.

SO ORDERED this 12 day of October, 2018.



JOHN J. GOGER, JUDGE
Fulton County Superior Court
Business Case Division
Atlanta Judicial Circuit

Served on registered service contacts through eFileGA

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